

### **REMARKS**

This amendment is responsive to the Office Action dated April 25, 2005. Applicant has amended claims 1 and 2 and added claims 25–33. Claims 1–4 and 6–33 are pending upon entry of this amendment.

#### **Claim Rejection Under 35 U.S.C. § 102**

In the Final Office Action, the Examiner rejected claims 1–7, 9, 10 and 21 under 35 U.S.C. 102(b) as being anticipated by Gardner et al. (US 5,758,327). Applicants respectfully traverse the rejection to the extent such rejection may be considered applicable to the amended claims. Applicant has amended claims 1 and 2 to further clarify that three distinct interfaces are recited by which three distinct parties may interact. Gardner et al. fails to disclose each and every feature of the claimed invention, as required by 35 U.S.C. 102(b), and provides no teaching that would have suggested the desirability of modification to include such features.

For example, Gardner et al. fails to teach or suggest a system comprising a data storage device accessible via a network and having end-user approved product information stored in a first memory, an end-user network interface by which an end-user can communicate with the data storage device via the network and approve the product information, a sub-end-user network interface providing network access by a sub-end-user to the end-user approved product information for ordering a selected product and by which a product order can be stored in a second memory, wherein product ordering by the sub-end-user is based on the approved product information of the end-user, and a third party network interface providing a third party access to product orders stored within the second memory and by which the third party manages end-user approved product information to a sub-end-user, as recited by Applicants' claim 1, as amended.

Gardner et al. fails to teach or suggest a system having three distinct interfaces: (1) an end-user network interface by which the end-user can communicate with the data storage device via the network and approve the product information, (2) a sub-end-user network interface providing network access to end-user approved product information for ordering a selected product, and (3) a third party network interface providing a third party access to product orders stored in a second memory of a data storage device, as required by amended claim 1. To the contrary, Gardner et al. describes a conventional central computer system 10 that stores a catalog

of products and services supplied by vendors 24, 26, 28, and provides access to the catalog to companies 12, 14, 16. In this manner, as described by Gardner et al., central computer system 10 operates similar to conventional systems in which companies electronically access catalogs for vendors. Consequently, the Gardner et al. system does not address situations involving three distinct interfaces (i.e., an end-user network interface, a sub-end-user network interface, and a third party network interface) in which one party (i.e., the third party) manages product information that must first be approved by a second party (i.e., the end-user) for use by a third party (i.e., the sub-end-user).

Claims 2-7, 9, 10, and 21 depend from independent claim 1 and are allowable for at least the reasons set forth above.

For example, claims 3 and 9 requires a fourth distinct interface, i.e., a manufacturer network interface by which the manufacturer can communicate with the data storage device via the network. Gardner et al. fails to teach or suggest these elements.

With respect to claim 4, Gardner et al. fails to teach or suggest an end-user network interface that permits the end-user to create and modify new programs with specified product information.

Gardner et al. fails to disclose each and every limitation set forth in claims 1-7, 9, 10 and 21. For at least these reasons, the Examiner has failed to establish a prima facie case for anticipation of Applicants' claims 1-7, 9, 10 and 21 under 35 U.S.C. 102(b). Withdrawal of this rejection is requested.

#### **Claim Rejection Under 35 U.S.C. § 103**

In the Final Office Action, the Examiner rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Gardner et al. in view of Smith (US 6,062,669). Applicants respectfully traverse the rejection to the extent such rejections may be considered applicable to the claims as amended. The applied references fail to disclose or suggest the inventions defined by Applicants' claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

In support of the rejection over Gardner in view of Smith, the Examiner stated that Gardner discloses all the features of the Applicants' claimed invention except the image gallery

of the approved products and that Smith discloses a system and method for remote ordering of custom products that includes image galleries that permit customization of the order.

The Examiner recognized that Gardner et al. does not disclose a custom image gallery stored as end-user approved product information within the first memory of the data storage device, as recited by Applicants' claim 8. However, the Examiner stated that it would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Smith to provide the system of Gardner et al. with image galleries of the approved products in order to permit customization of the order.

As described above, Gardner et al. does not teach or suggest all the features of Applicants' claimed invention. Gardner et al. makes no mention of: (1) an end-user network interface by which the end-user can communicate with the data storage device via the network and approve the product information, (2) a sub-end-user network interface providing network access to end-user approved product information for ordering a selected product, and (3) a third party network interface providing a third party access to product orders stored in a second memory of a data storage device, as recited by Applicants' amended claim 1. Therefore, modification of the electronic requisition processing system of Gardner et al. to include the image gallery from Smith would not result in Applicants' claimed invention.

For at least these reasons, the Examiner has failed to establish a prima facie case for non-patentability of Applicants' claim 8 under 35 U.S.C. 103(a). Withdrawal of this rejection is requested.

#### **New Claims:**

Applicant has added dependent claims 25–33 to the pending application. The applied references fail to disclose or suggest the inventions defined by Applicant's new claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed inventions.

As one example, the reference fail to disclose or suggest the system of claim 1, wherein the third party network interface and the end-user network interface allow the third party and the end-user to build an electronic catalog of product information associated with the end-user approved product information, as recited by claim 22.

As another example, the reference fail to disclose or suggest the system of claim 1, wherein the end-user interface comprises a franchisor interface for receiving input from a franchisor to approve one or more of the products to be used by one or more franchisees, and wherein the sub-end-user interface comprises a franchisee interface for providing the franchisees access to a portion of the product information for ordering one or more of the products approved by the franchisor, as required by claim 30.

No new matter has been added by the new claims.

### CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

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By:

August 25, 2005  
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